THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6329 of 2007

Dt:09.04.2007

Between:

The Jubilee Hills Cooperative House Building Society.

.. Petitioner

and

The Bharatiya Vidya Bhan Trust and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6329 of 2007

ORDER:

The petitioner is a Co-operative House Building Society. It entered into an agreement with the respondents on 12.06.1985, in the matter of establishing a School within its area of operation. For implementation of some of the provisions of the agreement viz., setting apart 25% of the seats in the entry classes and other vacancies for the benefit of residents of the petitioner-society and to have two nominees of the Society in the managing committee of the respondents, the petitioner approached the Registrar of Co-operative Societies/Arbitrator, by filing Arbitration Case No.8 of 2005. An award was passed by the Arbitrator on 30.12.2006, granting relief to the petitioner in part and denying a portion thereof. This Writ

Petition is filed, with a prayer to direct the respondents herein to implement the award passed by the Arbitrator, particularly in the context of allocating 25% of the intake of the respondents school.

On behalf of respondents 3 and 4, a counter affidavit is filed, stating *inter alia* that it preferred an appeal before the A.P. Co-operative Tribunal, Hyderabad, with an application to suspend the award and it is the petitioner, who resisted the application by filing Caveat and by seeking adjournments subsequently.

Heard the learned counsel for the petitioner, the learned Government Pleader for Co-operation and the learned counsel for respondents 3 and 4.

The petitioner had availed the remedy, provided for under the A.P.Co-operative Societies Act, 1964 (for short 'the Act'), by seeking arbitration and in fact, got substantial relief in Arbitration Case No.8 of 2005. The Act provides for implementation of the awards passed by an Arbitrator. Further, respondents 3 and 4 have preferred an appeal before the appellate Forum, against the award. They also filed an application for suspension of the award. The petitioner filed caveat and the matter is said to have been adjourned at its instance from time to time.

This Court finds it difficult to accede to the request of the petitioner for two reasons. The first is that an independent mechanism is provided for under the Act for implementation of the awards, where they have become final. The second is that soon after the award was passed, respondents 3 and 4 preferred an appeal and sought interim orders. The petitioner is also said to have filed an appeal to the extent the Arbitrator denied it, a part of the relief. Unless the interim applications filed therein are disposed of, the respondents cannot be said to have committed any illegality or irregularity, in not implementing it. Both the parties must await the outcome of the interim applications, that are pending before the Tribunal.

Therefore, the Writ Petition is disposed of, leaving it open to the petitioner to pursue its remedies in the appeals, that are pending before the A.P.Co-operative Tribunal, Hyderabad. The Tribunal shall not grant adjournment to any one of the parties and shall endeavour to dispose of the miscellaneous applications filed in the respective appeals, as early as possible. There shall be no order as to costs.

_____

09.04.2007

JSU